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**SENATE COMMITTEE AMENDMENTS**

2015 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 261 by Representative Hodges

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1 AMENDMENT NO. 1

2 On page 1, line 3, after "46.283(C)(1)(a)(v)" insert ", (D), (E), (F), and (G),"

3 AMENDMENT NO. 2

4 On page 1, line 5, replace "286.25" with "286.23"

5 AMENDMENT NO. 3

6 On page 1, line 12, after "46.283(C)(1)(a)(v)" insert ", (D), (E), (F), and (G),"

7 AMENDMENT NO. 4

8 On page 1, line 13, replace "286.25" with "286.23"

9 AMENDMENT NO. 5

10 On page 2, line 6, after "standard" delete the rest of line 6 and line 7 and insert:

11 "for participation by the child in age- or developmentally appropriate activities as  
12 defined in Subsection D of this Section."

13 AMENDMENT NO. 6

14 On page 2, after line 8, insert:

15 D. (1) For purposes of this Section, the following definitions shall apply:

16 (a) "Age- or developmentally appropriate" means activities or items that are  
17 generally accepted as suitable for children of the same chronological age or level of  
18 maturity or that are determined to be developmentally appropriate for a child, based  
19 on the development of cognitive, emotional, physical, and behavioral capacities that  
20 are typical for an age or age group; and in the case of a specific child, activities or  
21 items that are suitable for the child based on the developmental stages attained by the  
22 child with respect to the cognitive, emotional, physical, and behavioral capacities of  
23 the child.

24 (b) "Reasonable and prudent parent standard" means the standard  
25 characterized by careful and sensible parental decisions that maintain the health,  
26 safety, and best interests of a child while at the same time encouraging the emotional  
27 and developmental growth of the child, that a caregiver shall use when determining  
28 whether to allow a child in foster care under the responsibility of the state to  
29 participate in extracurricular, enrichment, cultural, social, and sporting activities.

30 (c) "Caregiver" means a person with whom the child is placed in foster care,  
31 or a designated official for a child residential facility licensed by the state.

32 (2) Nothing in this Section shall be construed to authorize any decision that  
33 conflicts with the residual parental rights, as defined in Children's Code Article 116,  
34 of a parent of a child.

35 E. (1) Each caregiver shall use the reasonable and prudent parent standard  
36 in determining whether to give permission for a child living in foster care under the  
37 responsibility of the state to participate in extracurricular, enrichment, cultural,  
38 social, or sporting activities.

39 (2) When using the reasonable and prudent parent standard, the caregiver  
40 shall consider all of the following:

1           (a) The child's age, maturity, and developmental level in order to maintain  
2 the overall health and safety of the child.

3           (b) The potential risk factors and the appropriateness of the extracurricular  
4 enrichment, cultural, social, or sporting activity.

5           (c) The best interest of the child, based on information known by the  
6 caregiver.

7           (d) The importance of encouraging the child's emotional and developmental  
8 growth.

9           (e) The importance of providing the child with the most family-like living  
10 experience possible.

11           (f) The behavioral history of the child and the child's ability to safely  
12 participate in the proposed activity.

13           F. Each child in foster care shall be allowed to travel out of state with his  
14 foster parent or another department-approved adult so long as the foster parent  
15 confirms with the department in advance of the departure date that no reason exists  
16 to prevent such travel, and provides a travel itinerary to the department.

17           G.(1) A foster caregiver who approves a foster child's participation in an age-  
18 and developmentally appropriate extracurricular, enrichment, cultural, social, or  
19 sporting activity is not liable for harm caused to the child at such activity, provided  
20 that the caregiver has acted in accordance with the reasonable and prudent parent  
21 standard.

22           (2) Nothing in this Section shall be construed to remove or limit any existing  
23 liability protection afforded by law.

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25 AMENDMENT NO. 7

26 On page 3, delete lines 1 through 22

27 AMENDMENT NO. 8

28 On page 3, line 23, replace "§286.24" with "§286.23"

29 AMENDMENT NO. 9

30 On page 3, line 27, after "parent standard" insert "as defined in R.S. 46:283(D)"

31 AMENDMENT NO. 10

32 On page 3, line 28, after "foster care" insert "under the responsibility of the state"

33 AMENDMENT NO. 11

34 On page 4, line 2, delete "following:" and insert "factors provided in R.S. 46:283(E)."

35 AMENDMENT NO. 12

36 On page 4, delete lines 3 through 29

37 AMENDMENT NO. 13

38 On page 5, delete lines 1 through 12